

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS)	MDL No. 2419
LIABILITY LITIGATION)	
Plaintiffs,)	Docket No. 1:13-md-2419 (RWZ)
)	
This document relates to:)	
)	
Armetta, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14022-RWZ)	
)	
Bowman, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	<u>PLAINTIFFS' MOTION FOR LEAVE</u>
No. 1:14-cv-14028-RWZ)	<u>TO APPEAR VIA TELEPHONE AT</u>
)	<u>NOVEMBER 2, 2016, MOTION</u>
Davis, et al. v. Box Hill Surgery Center, LLC,)	<u>HEARING</u>
et al.)	
No. 1:14-cv-14033-RWZ)	
)	
Dreisch, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14029-RWZ)	
)	
Farthing, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14036-RWZ)	
)	
Kashi, et al. v. Box Hill Surgery Center, LLC,)	
et al.)	
No. 1:14-cv-14026-RWZ)	
)	
Torbeck, et al. v. Box Hill Surgery Center,)	
LLC, et al.,)	
No. 1:14-cv-14023-RWZ)	
)	
Handy v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14019-RWZ)	

Plaintiffs in the eight above-captioned cases (“Box Hill Plaintiffs” or “Plaintiffs”), by and through their respective undersigned counsel, Law Offices of Peter G. Angelos, P.C., and Cohen,

Placitella & Roth, P.C., hereby move for this Court to allow attorneys for the Plaintiffs' Jay D. Miller, Glenn E. Mintzer, Sharon L. Houston, Harry M. Roth and Michael Coren to appear via telephone at the November 2, 2016 Motion Hearing before the Honorable Magistrate Judge Jennifer C. Boal, and in support thereof aver as follows:

1. Counsel for the Box Hill Plaintiffs filed a Motion to Compel Non-Party Barbara Wagner to Comply with Properly-Served Subpoena by Producing Documents and for Sanctions. [Dkt. 3123]. The deposition was taken following the Court's ruling on the scope of her deposition, which was taken in Baltimore, Maryland. A hearing to address the pending Motion to Compel is scheduled for November 2, 2016 at 10:00 a.m. [Dkt. 3138].

2. Plaintiffs' attorneys, Jay D. Miller, Glenn E. Mintzer, and Sharon L. Houston, who currently representing seven of the eight "Box Hill Clinic" plaintiffs are located in Baltimore Maryland.¹ Although Mr. Miller, Mr. Mintzer, and Ms. Houston are permitted to practice *pro hac vice* before this Court in the MDL proceedings, it would place an undue, unnecessary and avoidable burden and expense for Mr. Miller, Mr. Mintzer or Ms. Houston to travel to Massachusetts for the scheduled hearing on the Motion to Compel in view of the subject matter of the motion and anticipated brief duration of argument before the Court. It is anticipated only one of this group of attorneys from the Angelos laws firm would address the Court during argument.

3. Plaintiff Handy's attorneys, Harry M. Roth and Michael Coren are located in Pennsylvania. Although Mr. Roth and Mr. Coren have been admitted to practice *pro hac vice* before this Court in the MDL proceedings, it similarly would place an undue, unnecessary and avoidable burden and expense for either Mr. Roth or Mr. Coren to travel to Massachusetts for the scheduled hearing on the Motion to Compel. It is anticipated only one of the Cohen Law Firms'

¹. Patricia J. Kasputys, Esquire, who has represented the Angelos firm's seven plaintiffs is on medical disability leave following revision surgery on her ankle and is unable to travel to Boston.

attorneys firm would address the Court during argument.

4. Accordingly, Ms. Houston and Messrs. Miller, Mintzer, Roth and Coren respectfully request leave of the Court to appear for the hearing to address the Motion to Compel via telephone before Judge Jennifer C. Boal on November 2, 2016, at 10:00 a.m.

WHEREFORE, Plaintiffs respectfully request that the undersigned counsel be permitted to appear via telephone during the November 2, 2016 hearing on Plaintiffs' Motion to Compel Non-Party Barbara Wagner to Comply with Properly-Served Subpoena by Producing Documents and for Sanctions, and request such other relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

/s/ Sharon L. Houston

Jay D. Miller
Glenn E. Mintzer
Sharon L. Houston
Law Offices of Peter G. Angelos, P.C.
100 North Charles Street
22nd Floor
Baltimore, MD 21201
410-649-2000
Jmiller@lawpga.com
Gmintzer@lawpga.com
Shouston@lawpga.com

*Attorneys for Plaintiffs Armetta, Bowman,
Davis, Dreisch, Farthing, Kashi, Torbeck
et al.*

/s/ Michael Coren

Michael Coren
Harry M. Roth
Cohen, Placitella & Roth, P.C.
2001 Market Street, Suite 2900
Philadelphia, PA 19103
215-567-3500
mcoren@cprlaw.com
hroth@cprlaw.com

Attorneys for Plaintiff Handy

CERTIFICATE OF SERVICE

I, Michael Coren, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the defendants in the above-referenced individual cases, and will be sent to these parties by operation of the CM/ECF system.

Dated: October 26, 2016

/s/ Michael Coren

Michael Coren